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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

LEBANON

[21 December 1994]

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Introduction

1. In October 1990, Lebanon adopted the Declaration and Plan of Action of the Convention on the Rights of the Child which was adopted at the World Summit for Children, held at the United Nations Headquarters on 29-30 September of that year. Lebanon was a participant State, and consequently its Government agreed to abide by the principle of "first call for children" which binds the Government to assign high priority to the allocation of resources, at all times, to the essential needs of children.

2. This commitment is particularly relevant to the children of Lebanon who have endured the traumas of war for 16 years, were displaced by the thousands, orphaned and handicapped and robbed of the simple joys of childhood. The war has displaced about 1 million persons, mainly from rural areas, into crowded slum areas in the city; three quarters of these displaced persons have immigrated. Inflation created an economic crisis in the country, which reduced many families to poverty.

3. In situations like this children's needs do not get first priority. However, the Lebanese Government, along with several non-governmental organizations, responded favourably to the 1990 "Call for Children" and started working on a national plan. The present report is a preliminary draft summarizing the response of the Lebanese Government and the NGOs.

4. It is not an easy task for a country to function normally after 16 years of chaos and destruction which left its infrastructure ravaged and communication among people next to impossible. The means for securing data in Lebanon at the present time are almost non-existent. Studies, statistics and research are scarce and restricted in scope to limited areas. For this reason the information that comprises the essential part of this report relies heavily on the legislative system.

I. DEFINITION OF THE CHILD

5. The legislative texts in Lebanon are in conformity with the stipulation of article 1 of the Convention on the Rights of the Child, in which a child is defined as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. In the Lebanese legislation, a child is defined as follows:

(a) Article 4 of the Civil Code of 1951 states that the age of majority is 18 years;

(b) The Lebanese Penal Code stipulates that:

(i) Measures will be taken against anyone who attempts to abuse a child sexually or through pushing him/her to deal with drugs in any form. A criminal committing these acts with a minor under the age of 12 or 15 can get a jail sentence of 3-15 years (art. 119);

(ii) Criminal proceedings cannot be brought against any minor under 7 years of age.

(iii) No child under 18 may be segregated from his/her family (Decree 119);

(iv) Anyone who separates a child under 12 from his/her parents or guardian is punishable by imprisonment (art. 495).

6. The Lebanese Penal Code further includes the following definitions (art. 31 of Decree No. 112):

(a) A juvenile is every male or female over 7 and under 12 years of age;

(b) An adolescent is every person over 12 and under 15 years of age;

(c) A young person is every male or female between 15 and 18 years of age.

7. Articles 22 and 23 of the Labour Code impose the following restrictions on the employment of children:

(a) No child under 8 is allowed to engage in formal employment. (The Association of Human Rights is considering recommending that the age limit be raised);

(b) No child under 13 is allowed to engage in heavy industrial or other demanding work (the activities are specified);

(c) No child between 13 and 16 is allowed to engage in physically taxing jobs unless he/she has obtained a certificate from a doctor confirming his/her ability to do so.

II. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

8. The texts of the Lebanese Constitution apply to the Lebanese in general without any discrimination on grounds of sex, language, religion, age or colour. Article 7 of the Constitution stipulates that the Lebanese are equal before the law without any discrimination among them in regard to rights and obligations. These rights include: the right to equal treatment before the courts; the right to personal security and protection from harm and violence; the right to a national identity; the right to own private property; the right to inheritance; the right to education and vocational/technical training; the right to health care; the right to freedom of thought, religion and speech. These rights are reflected in the various national legislative texts (laws and regulations) of the country including those related to children.

B. Best interests of the child (art. 3)

9. Through its various ordinances, the Lebanese legislature earnestly endeavours to safeguard the interests of children, as illustrated by the following few examples.

10. Article 127 of the Personal Status Law states that a woman who has been granted custody of a child, in case of separation, is not allowed to take the child out of the country without the consent of the father. The same applies to the father who may have custody of a child unless the court decides otherwise. Under the same law the following two restrictions are specified:

(a) A child may not be given a passport without the consent of his/her guardian;

(b) No child under 15 may use a family passport to travel alone.

11. Penal Code No. 495 clearly states that anyone who deprives a child of his/her liberty will be imprisoned from six months to three years.

12. The Labour Law stipulates that no child may be employed on a formal basis for more than seven hours, and no child may be employed at night between 7 p.m. and 6 a.m.

13. These provisions clearly show that protecting the child and ensuring a normal environment for his growth and development were points of serious concern for the legislators.

14. In the interest of children, a group of NGOs, concerned with their welfare, came together in 1991 to form a union that would advocate children's rights in line with the Convention. The Government followed suit, ratified the Convention, and appointed a committee in parliament to monitor this issue. The Union's activities included the following:

(a) Interpreting the articles of the Convention;

(b) Setting priorities and a National Plan of Action from 1992-2000 in cooperation with the Government and UNICEF. The priorities include issues related to health, education, the media, exploitation, abuse, and children's rights in general;

(c) Instigating a campaign against young vagrants to protect them from delinquency;

(d) Requesting the formation of a parliamentary committee for the protection of childhood. This committee was duly formed;

(e) Alerting the following Ministries to the importance of protecting children by adhering to the Convention: Health, Environment, Education, Social Affairs, Justice, Interior and Information;

(f) Completing a study on the legislation related to children in Lebanon with suggestions for requested changes;

(g) Convincing the ministry responsible to delete the word "illegitimate" from the child's identity card;

(h) Collaborating with UNICEF, the Ministry of Health, the doctor's syndicate and the parliamentary committee to revive the decree issued in 1983 enforcing a medical exam before marriage (accomplished);

(i) Taking an active part in presenting children's rights in the media through lectures, seminars, conferences, etc.

15. In 1993, a National Committee for the Disabled was established by Decree No. 1/33 on 4 October 1993 headed by the Minister of Social Affairs, and assisted by his/her Director General.

C. The right to life, survival and development (art. 6)

16. The Lebanese Civil and Personal Laws protect this sacred right and inflict punishment on anyone who violates it. This is implemented by safeguarding the child in all phases of its development starting with prenatal life, birth and during the subsequent stages of its life.

17. The legislative statute of 1983 No. 78 stipulates that a medical certificate before marriage is necessary. In 1993 the Ministry of Health went further to specify the medical tests requested before marriage. In 1994 Decree No. 334 was issued stipulating that a medical exam before marriage is obligatory.

18. Abortion is strictly prohibited as stated in articles 539-545 of the Penal Code. The law stipulates the following:

(a) Anyone selling or promoting materials related to abortion will have to serve a jail sentence from two months to two years (art. 540);

(b) Any woman who terminates her pregnancy by inducing an abortion herself or through the assistance of another person shall be punished by imprisonment from six months to three years (art. 539) and so will the other person;

(c) If abortion leads to the death of the woman in question, the perpetrator is punished by imprisonment with hard labour for a period which ranges from four to seven years.

19. The laws have also made provisions to protect children by designated forms of punishment to be inflicted on those parents who neglect their children. Articles 500-502 of the Penal Code stipulate that parents who abandon their children or do not provide the necessary care will be fined and imprisoned from one to three years. Severe measures are taken against parents giving away their children for adoption in return for money.

20. Inducement of children to depravity (Penal Code arts. 514-536), among which are acts of forced marriage, prostitution and begging, are all punished with imprisonment from three to seven years.

21. Penal Code articles 504-513 stipulate that anyone who rapes a child or makes false promises of marriage to abuse a female child will be locked up from six months to seven years.

22. In effect, all the laws pertaining to the protection of the child and his/her survival were not able to protect children from bullets, rockets and bombs that killed, maimed, orphaned and traumatized many of them for a period of 16 years.

D. Respect for the views of the child (art. 12), freedom of expression (art. 13) and freedom of thought, conscience and religion (art. 14)

23. Article 13 of the Lebanese Constitution stipulates that the State shall guarantee freedom of opinion and expression orally, in writing, pictorially or through any other form.

24. In practice, freedom of opinion and expression is safeguarded within the limits of the law. This freedom is enjoyed to a certain extent by all members of society, including children.

III. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

25. Article 13 of the Personal Status Registration Act of 1951 stipulates that, upon the birth of an infant, a birth certificate must be filed stating the year, month, day and hour of birth, as well as its sex, proper name and parents' names if known.

26. Under the term of this Act, Lebanese nationality is enjoyed by all the following persons:

(a) Anyone born to a father holding Lebanese nationality;

(b) Anyone born in Lebanon to a father with a foreign nationality which the child has not acquired;

(c) Anyone born in Lebanon to unknown parents. Failing evidence to the contrary, any foundling discovered in the country is deemed to have been born there;

(d) Anyone born illegitimately if its parentage becomes known while still a minor, either by acknowledgement or by a court decision, and if one of the parents was identified as Lebanese; the term "illegitimate" may be eliminated from the identity card of the child, but it cannot be deleted from the official documents such as the birth certificate and other legal papers.

B. Preservation of identity (art. 8)

27. Lebanese law stipulates that a child, legitimate or illegitimate, has the right to preserve his/her identity until death.

28. Articles 492-494 of the Penal Code stipulate that anyone who abducts a child under seven years of age, substitutes one child for another or attributes a child to a woman who has not borne him shall be punished by temporary hard labour. The penalty must not be less than five years, if the

purpose or result of the offence was the elimination or alteration of evidence concerning the child's personal status or the entry of false personal details in the official records.

29. Under the same articles, anyone who has a child placed in a home for foundlings by concealing the child's identity, regardless of whether the child was officially registered as a legitimate or a recognized illegitimate child, shall be punished by imprisonment for a period of not less than five years.

30. From the above, it is evident that the Lebanese Government protects children from being deprived, in any illegal manner of some or all elements of their identity.

C. The right to humane treatment (art. 37 (a))

31. Article 8 of the Lebanese Constitution stipulates that personal freedom is safeguarded by law and that no one can be arrested or imprisoned except by law.

32. Article 495 of the Penal Code punishes by imprisonment from six months to three years anyone who abducts a child, even if this happens with the child's own consent.

33. Decree No. 27 issued in 1959 states that if abduction takes place by force or by tricking the child, and if the minor is under 12, the punishment is imprisonment from 3-15 years accompanied by temporary hard labour. If abduction results in deprivation of liberty for over one month or in physical and moral torture, then the punishment is imprisonment and hard labour for life.

34. No minor under seven years of age can be legally sued or penalized when he or she commits a crime or violates the law in any way.

35. Protective and supervisory measures are imposed on children under 12 in the event of their committing a crime.

36. Disciplinary and reformative measures are imposed on criminal children between 12 and 15.

IV. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5) and parental responsibilities (art. 18)

37. The Lebanese National Charter stipulates that the family is the cornerstone in the structure of society. It is the natural environment for raising children. However, the personal status laws of all religious groups delegate the custodian care of children and the welfare and livelihood to the father. The mother has the right to nursery. Trusteeship, however, is delegated to her after the father's death, or in the absence of a designated trustee, or in the case of a court sentence appointing her.

38. Since the Lebanese laws consider parents the natural environment of the child, Decree No. 119 of 1983 stipulates that a delinquent child under 12 must be handed over to his parents unless they are immoral.

B. Separation from parents (art. 9)

39. It is only natural that children should grow up and live with their families. Separation is accepted only in situations where the interests and rights of the child would be violated if the child should remain with its parents. Accordingly, the Government has promulgated the requisite legislation and regulations to protect the child from any violations. Decree No. 119 issued in 1983 stipulates that no child under 18 can be segregated from his parents and sent to a reformatory unless he/she is found in a setting that exposes him/her to deviance, endangers his/her health, security, morals or education.

40. Article 495 of the Penal Code stipulates that punishment by imprisonment from six months to three years is inflicted on anyone who separates minors under 12 from parents or custodians, even if this is done with their own consent.

41. Article 87 of the Personal Status Law states that a foster family or institution shall undertake the normal duties of the natural family to ensure the well-being of the child.

42. From the above, it is clear that the child has a natural right to grow up and live with his/her parents. However, if the circumstances are not conducive to that, there is provision in the law to protect the child from exploitation and abuse.

C. Family reunification (art. 10)

43. There is no law that forbids families the freedom to leave and return for the purpose of family reunification or reunions of members of the same family. Every person, whether Lebanese or alien, has the right to leave and return, provided that he/she holds the legal documents necessary.

D. Recovery of maintenance for the child (art. 27)

44. Under the terms of the Personal Status Law, the husband is solely responsible for maintenance both during the marriage and after its dissolution. This provision is in the interests of women and children.

E. Children deprived of a family environment (art. 20)

45. Through the official agencies concerned and with assistance from NGOs, the Government is striving to safeguard the unity and coherence of Lebanese families and protect them from disintegration and delinquency. To ensure the proper upbringing of children, the Ministry of Social Affairs has made provisions for basic social services through establishing:

(a) Twenty-three centres for Community Social Development Services and 41 socio-medical centres all over the Lebanese territory. These centres offer services to a variety of needy children;

(b) One hundred and forty-two social institutions in cooperation with NGOs that service 6,547 orphans and 14,718 social cases, 1,075 infants, 25 deviant girls and 3,713 students in vocational training;

(c) Nine day care centres that cater to the needs of 449 infants and 23 day care centres and nursery schools, in cooperation with NGOS, that accommodate 1,868 children;

(d) Institutions for the handicapped on all levels, also in cooperation with NGOs.

F. Adoption (art. 21)

46. The Personal Status Law for Muslims prohibits adoption under all circumstances. Even when it happens, it is considered "annulled". However, trusteeship is practised where the child is taken care of as one of the members of the family but he/she is not entitled to inheritance or other privileges of the legal child.

47. For Christians, the adopted child enjoys all the rights and privileges of the biological child. Adoption laws for Christians are practised by the religious courts.

48. To protect the child from abuse and exploitation the law stipulates specific conditions for adoption.

49. An adopted individual, under Lebanese law, has the right to annul his/her adoption after 18 if he/she feels that the guardian or custodian is not fair in his/her treatment.

50. Article 118 of the Personal Status Law for Catholics stipulates that citizens of other countries may adopt Lebanese children. These adopted children fall under the law of the country into which they are adopted.

51. The Penal Code No. 224 of 1993, article 500, states that any parents who give up their child for adoption or give away the child in return for money are punished by imprisonment from one to three years and are fined from 5 to 20 million Lebanese pounds. Any partners who are involved with them are treated likewise.

G. Illicit transfer and non-return (art. 11)

52. Article 127 of the Personal Status Act stipulates that a woman who has been granted custody of a child shall not be permitted to take the child out of the country without the consent of the father or the male guardian. The same applies to the father. He cannot take a child who is in the custody of the mother out of the country without her consent.

53. No child is given a passport without his/her father's or guardian's consent.

54. No child under 15 may travel alone using a family passport.

H. Abuse and neglect (art. 19) including physical and psychological recovery and social reintegration (art. 39)

55. Decree No. 119 stipulates that those who induce youngsters to use drugs will be severely punished by imprisonment and hard labour from 3-15 years. The law also protects those youngsters who use drugs by providing special institutions for their rehabilitation and lighter forms of punishment.

56. Articles 501-536 of the Penal Code stipulate severe measures of punishment, in the form of hard labour, high fines and imprisonment from 3-15 years on those adults who exploit or abuse a child under 18 sexually.

57. Article 495 of the Penal Code makes provisions to protect children from abduction and brutal treatment. It stipulates that anyone abducting a child will be imprisoned from six months to three years.

58. Article 500 of the Penal Code No. 224 stipulates that every person who abandons a child under 18 in exchange for money or any other benefit is punished by imprisonment from one year to three years and by a fine ranging from 5 to 20 million Lebanese pounds. The same penalty applies to the partner and mediator.

59. From the above, it is evident that the Government has taken various appropriate legislative, administrative and other measures to protect the child from violence, harm, neglect, exploitation and abuse. However, the war in Lebanon has exposed many children to acts of violence and trauma that have left negative effects.

60. NGOs in cooperation with governmental organizations are searching for means and measures to counterbalance the negative effects of war on the young. Conflict control and conflict resolution programmes are achieving positive results, as are some of the other means which will be discussed later in this report. However, there is no doubt that there is need for more well-designed programmes to avoid the many social problems that may arise as a result of ignoring or neglecting children and youth who were scarred by war and violence.

61. Social institutions, orphanages and institutions for the handicapped are full to capacity with children who are there for a variety of reasons.

62. Statistics and accurate information on numbers of children adopted, orphaned, disabled, abused, abducted, institutionalized, homeless, delinquents, drug addicts and others are not available at present. Now that peace prevails in the country, a database project has been started with UNFPA and it is expected that in the coming two years the picture will be clearer.

V. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6)

63. The main targets that the Ministry of Health has set and is endeavouring to achieve by 1995 in regard to survival and development include:

(a) A reduction in the infant mortality rate from 35 per thousand in 1990 to 23 per thousand;

(b) A reduction in the under-5 mortality rate from 43 per thousand in 1990 to 28 per thousand;

(c) A reduction of severe malnutrition among children under five from 16 per cent in 1986 to 12 per cent;

(d) A reduction from 14 per thousand in 1990 to 12 per thousand in the incidence of intestinal diseases and deaths among children under five;

(e) A reduction in the incidence of acute respiratory diseases from 3.7 per thousand in 1979 to 2.4 per thousand;

(f) A reduction of deaths from contagious diseases from 10.5 per thousand in 1979 to 7 per thousand;

(g) A reduction in the number of low-weight children (under 2.5 kg) from 9.5 per cent in 1991 to 7 per cent;

(h) The eradication of infantile paralysis and neonatal tetanus and an increase in the percentage of immunization against polio and DPT/OPV fever from 87.4 per cent in 1993 to over 90 per cent in 1995;

(i) A reduction in measles cases, including an increase in the percentage of vaccinations from 65 per cent in 1993 to over 80 per cent in 1995.

64. The practical measures and programmes that are being implemented by the Ministry of Health, the Ministry of Social Affairs, UNICEF and NGOs include:

(a) Continuation of the national immunization programme against infantile paralysis, DPT/OPV3 fever and measles. Here are some results of these efforts:

(i) In 1992, 85 per cent of children under one were given the triple vaccine while in 1993 it was 87.47 per cent;

(ii) In 1992, 50.8 per cent of children under one were vaccinated against measles. In 1993, this was 65.0 per cent;

(iii) In 1992, 89.2 per cent of children under two received the triple vaccine while in 1993, 87.4 per cent received the same vaccine;

(iv) In 1992, 65.1 per cent of children under two received the measles vaccine while 65 per cent of the same age group received the vaccine in 1993;

(b) Revision of the legislation concerning nurseries in the country. The new measures recommended are stricter and more protective of the children than the previous ones. There is provision for supervision, evaluation and follow-up. It also includes punitive measures against violators;

(c) Banning of smoking in public areas along with information as to its detrimental effect on health in general and on children in particular;

(d) Implementing school health programmes to a certain extent;

(e) Disseminating information on the value of iodized salt for health;

(f) Observing 10 April, declared as World Day for Breast-feeding;

(g) Placing pressure on hospitals to stop giving commercial baby food as a replacement to breast-feeding;

(h) Developing health materials for use in schools and social centres;

(i) Studying health issues in 10,000 children under five;

(j) Issuing of Decree No. 334 stating that a medical certificate should be secured from the Ministry of Health before marriage. The following tests are requested: HIV, thalassaemia, ABO/RH, hepatitis B, VDRL, H.B.F. and German measles.

65. The Forum of National NGOs on the Rights of the Child is demanding:

(a) A medical insurance certificate for each child;

(b) Enforcing the law which stipulates the necessity of tests before marriage (accomplished);

(c) Granting mothers a maternity leave of three months with pay and one year without pay;

(d) Educating children in health issues.

B. Disabled children (art. 23)

66. After 16 years of war one cannot but expect a dramatic increase in the number of individuals with special problems.

67. There is a great lack in statistical data. There are some informal studies which estimate the number of the disabled in Lebanon to be 1.5 per cent of the total population, while others raise this estimate to 5 per cent covering all age groups, including handicaps due to chronic illnesses. Although one cannot fully rely on these numbers, the 1981 survey

estimated the number of disabled to be around 43,896, keeping in mind that the whole Lebanese population is a little over 2 million. (Muffarij, 1988).

68. The newly established Ministry of Social Affairs in 1992 made it clear that one of its main concerns is the issue of disability. The Ministry defined its objectives as follows:

(a) To prepare a comprehensive Plan of Action, to supervise its implementation, and to provide comprehensive social services;

(b) To provide help for the social projects in process and to contribute to the realization of other projects;

(c) To cater to the needy, the orphans, and the handicapped;

(d) To be concerned with family problems;

(e) To take care of juvenile delinquents, prisoners, displaced people, senior citizens and others;

(f) To combat drug addiction;

(g) To prepare recycling programmes and to supervise their implementation;

(h) To monitor non-profit social organizations that provide social services.

69. The Ministry established a National Committee for the disabled.

70. The law of 1973 concerning the disabled was modified to give the term a wider scope. A disabled person, as defined in the revised Law No. 243 issued in 1993, includes those individuals who find it difficult to carry out an act that is considered essential in everyday life, due to physical, mental or psychological reasons. These defects include people with visual handicaps, oral/aural handicaps, locomotor handicaps (like amputees or paralytics), mental/learning disabilities and nervous handicaps.

71. The new law made education of the disabled compulsory, eliminated all forms of discrimination against them in employment or otherwise and granted them equal rights in health and education.

72. Agreements are concluded between the Ministry of Social Affairs and NGOs to offer joint services in the areas of health, education, social welfare, family planning, special needs - physical or mental - and delinquency. Projects of this nature total 143 and represent 109 organizations.

73. The number of children who benefit from these services are as follows:

Handicapped	3,311
Orphans	28,000
Juveniles	25
Day care	3,590

Health services:

General health	57,087
Children	78,079
Women	11,499
EENT	12,606
Heart	17,384
Mother and child care	41,000
Injections	84,882
Weight/hypertension	22,640
Immunization	22,200

Social services:

Sewing	2,320
Handicrafts	1,920
Home management	548

Educational services:

Day care	3,590
Physically handicapped	309
Delinquents	31
Family planning	44,419
Training	145

Other services:

Social research	1,161
Individual services	1,992
Home visits	2,483

All the above services are financed by the Ministry of Social Affairs and the NGOs concerned.

74. The Ministry of Social Affairs also has centres that offer comprehensive services. Their main objective is to help develop independent, responsible citizens who will be active members in society. Following is a listing of the services offered by these centres and their beneficiaries:

Mother and child care	5,687
Female health	3,364
Family planning	5,442
Day care	3,251
Social educational services	2,263
Literacy classes	318
Sewing	771
Handcrafts and embroidery	593

All the above services are financed by the Ministry of Social Affairs.

75. The Ministry of Health has enacted legislation that provides free hospitalization to children who suffer any form of disability.

76. A close examination of the services available in the field of disability in Lebanon reveals the existence of a few specialized institutions relative to the number of disabled in the country. There are 31 institutions only that provide for the needs of 3,011 disabled distributed as follows:

Deaf	650
Blind	277
Mentally retarded	1,209
Physically disabled	580
Cerebral palsy victims	295

Out of this group 934 are receiving vocational training.

77. Among the available institutions, very few offer quality education. Most of them suffer from lack of professionals and inadequate funding. In some centres the living conditions leave a lot to be desired (Muffarej 1988; Salem 1991).

78. There is only one university that offers a specialization in Special Education.

79. The issue of disability is receiving more attention now than ever before from the Government, the media, individuals, groups, educational institutions and others. Nevertheless, the needs are so tremendous and the supply of funds and human resources is limited.

C. Health and health services (art. 24)

80. The Ministry of Health policy advocates health care for all citizens. Under this policy, primary health care is considered essential. Health messages and television spots to raise awareness are also produced by the Ministry.

81. The legislative Decree No. 159 issued in 1982 stipulates that the Ministry of Health will provide health services in the designated 15 districts for every 200,000 inhabitants with a subsidiary health centre for every 30,000 inhabitants. Each centre will be staffed with three full-time doctors, two of whom will be general practitioners and one paediatrician, three part-time doctors - one gynaecologist, one dentist and one school health specialist - one assistant pharmacist, two midwives, two registered nurses and two assistant nurses, one X-ray specialist, one laboratory technician, one public health person and five staff members.

82. The Decree was revised in 1991 to stipulate the geographic location in which the health centres will be erected. The structure will be the same but local committees and NGOs in the areas are to be involved in planning, execution, follow-up and evaluation. Centres have been equipped in the underserved areas to provide primary health care services for the family, including dental care.

83. The Ministry of Health has its own laboratories to check on the safety of drinking water, imported foods (several foodstuffs were destroyed in the last few years), medicine, vaccines and others. UNICEF assists the Ministry in this action.

84. The Ministry of Health works closely with the Ministry of Social Affairs to provide medical care in the Community Social Centres mentioned earlier, and to implement its immunization campaigns.

85. The First Lady of Lebanon, Mrs. Mona Hrawi, solicited enough donations to open a medical centre in Beirut to serve the needs of those children with chronic diabetes and thalassaemia. The centre offers medical care and medicine and provides parents with necessary information.

86. In September 1993 the Ministry of Health issued a decree establishing a "National Committee for the Survey of Mother and Child Health". This was a joint project with the Arab Council for Childhood.

87. The same Ministry is in the process of preparing a Comprehensive National Strategy for Primary Health Care (PHC) in conjunction with Dr. Faruk Bartu's PHC Plan of Action (1993-1996). The National Committee for PHC is to undertake the implementation of the programme which includes, inter alia, a programme for the protection of mother and child.

88. Measures against HIV are also being taken by the Ministry of Health and WHO. A report from the Ministry:

> "Shortly after the introduction of HIV to Lebanon, women are emerging as a particularly vulnerable group to the HIV infection. Despite an overall low prevalence situation, the pattern of HIV spread has been clearly identified as predominantly heterosexual. The male to female ratio of persons with HIV/AIDS has decreased from 5:1 in 1992 to 2:1 by the end of 1993 (M/F HIV - AIDS = 37/17; M/F AIDS = 25/7; M/F excluding AIDS cases = 12/10). Four new affected newborns were registered in 1993 amounting to an overall nine neonatal HIV/AIDS cases.
>
> The most important step in this regard is of course the prevention of the HIV infection in young women in the first place. Failing this, the already infected women should be educated regarding the risks of perinatal transmission and be helped to avoid pregnancy or to terminate unintended pregnancies.
>
> Several of the existing NGOs have already worked in the area of family planning and prevention of unwanted pregnancies. These include the Family Planning Association of Lebanon, the Imam Sadr Foundation, Lebanese Women's Association, the Institute for Women Studies and the Armenian Relief Organization. The educational activities envisaged are as follows:
>
> - Production of a pamphlet on risks of perinatal HIV transmission and infection for use by antenatal clinic staff, primary health workers, midwives and other professional groups involved in the care of pregnant women;

- Workshops to train family planning counsellors, mother and child health service providers, and field workers with the aim of equipping them with the additional skills and information needed for counselling HIV infected women and their families;

- Legal and educational campaigns to remove the existing barriers to the distribution of condoms to unmarried young women;

- Educational campaigns to extend/promote easy access to therapeutic abortion for HIV infected women." 1/

89. WHO promotes awareness among citizens and provides information for protection against disease.

VI. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

90. To date, education in Lebanon is not compulsory. There are some attempts, however, by NGOs demanding legislation to make education in the primary cycle compulsory.

91. Available statistics for 1991-1992 on student enrolment in schools and universities are as follows:

Preschool and elementary	476,736
Secondary and intermediate	348,097
Vocational training	41,097
University	85,495
TOTAL	851,425

92. Children are admitted to the public school at the age of 5 but private schools may take children as young as 2½.

93. The educational sector is one of the areas that was badly hit by the war. School buildings were occupied or totally demolished, personnel immigrated, migrated, or had the ill fate of being handicapped or killed. Citizens were constantly on the move seeking protection and safety, which lowered the importance of education on their list of priorities. Children were deprived of books, of schooling, of play and then of proper social and cognitive development.

94. Statistics reveal an increasing percentage of illiteracy. A survey of women between the ages of 15-49 indicated a 53.8 per cent illiteracy rate in one area and 78 per cent in another. These figures are not very reliable, but indicative of the seriousness of the issue.

1/ The Role of Women and Aids Prevention and Control, Cairo, 16-18 May 1994, Lebanon Report.

95. Since 1990 the Ministry of Education, in cooperation with NGOs and international organizations, has been attempting to rebuild, refurnish, renovate and overhaul the schools. Many new schools have opened, but the whole educational system needs revamping.

96. There are plans for revising the curriculum but no measures have yet been taken to do so. However, environmental and health studies have little by little made their way into the schools.

97. Vocational training has been on the increase among youngsters and women. The economic situation in the country is such that it is practically impossible for a family to live on one income. This fact has motivated many young people to seek employment. The Government, NGOs and international organizations are active in providing vocational training in a variety of fields including both traditional and innovative skills. These include sewing, embroidery, hairdressing, crafts, beauty skills, leather, upholstery, hotel staff skills, nurse's aide, dentist's aide, secretarial skills, computer skills, business skills, building skills (electricity, plumbing, etc.) carpentry and others.

98. Some NGOs with assistance from international organizations and foreign embassies, are providing libraries for children in the city and in rural areas. Recipients of books include public schools, social centres, orphanages, remote rural areas, and others.

99. The war years have seen nurseries, nursery schools, and day care centres mushrooming all over the country. In 1975 there were about 20 nurseries while in 1994 there are more than 148 private nurseries whose main aim is commercial. Nine nurseries are affiliated with the Ministry of Social Affairs and they cater for 449 children. Twenty-three nurseries are a joint service between the Ministry and NGOs and their enrolment is 1,868 children.

100. A survey by the Ministry of Health revealed that 40 per cent of the nurseries and nursery schools have fewer than 4 rooms, 72 per cent accommodate less than 40 children, 86 per cent occupy only one floor, and above 61 per cent have space less than 200 m^2. However, most of them do not meet the necessary standards or have the necessary equipment, facilities, or personnel, and they are mostly overcrowded.

101. The Ministry of Health is in the process of setting standards and legislation to ensure quality nurseries and day care centres. Nurseries were defined in Presidential Decree No. 1775/1979 as institutions that take care of children under 3 during some hours of the day. The Ministry's new plan will alleviate some of the problems and will give these infants and toddlers a better start.

B. Aims of education (art. 29)

102. Aims of education for Lebanese children stress the total development of the child's physical, social, intellectual, moral and psychological aspects of personality. However, the actual emphasis in Lebanese schools is on academic

achievement and generally at the expense of the other areas. Most schools are interested in the scores that students earn on the government exams at different levels. Failing students, slow learners, children with learning problems, those at risk, hyperactive children and others are not accepted in most of the schools. Very few schools practise mainstreaming, but there is a little more understanding and acceptance of the disabled.

103. Article 3 of Decree No. 9099/1968 considers the study of the human and natural environment as one of the main aims of education in the primary cycle. It states that "Respect for and preservation of the environment are moral and civilized behaviour stemming from an education rooted in childhood."

C. Leisure, recreation and cultural activities (art. 31)

104. This area is totally neglected by most educational institutions and by the Government. Lebanese children and young people have very little training in the creative use of leisure either at home or at school.

105. A survey on high school and university students revealed that a high percentage of them waste leisure time driving cars and gossiping. Sports, music, drama, hobbies are for the very few who can afford to pay the price of these so-called "luxuries". This is an area that needs immediate attention.

106. The private sector is more active than the Government in providing cultural activities to children in the form of book exhibits, drama, puppet shows, music and dance. The quality, in general, leaves a lot to be desired since it tends to be commercial.

107. The children's book industry is thriving. Many books are translated and printed in Lebanon. The quality is improving to some extent, but more screening needs to be done.

108. Lebanese children have the advantage of being bilingual or trilingual. This skill provides them many opportunities of exposure to good world literature, available on the market. Unfortunately, books are too expensive for the majority of children to afford.

109. The private sector offers a variety of children's magazines, some original and others translated. The quality of content and the physical appearance are generally poor. Quality magazines are very expensive.

VII. SPECIAL PROTECTION MEASURES

A. Children in situtations of emergency

1. Refugee children (art. 22)

110. Palestinian refugee children in Lebanon are taken care of by UNRWA, UNICEF, a number of NGOs and international organizations. Services to the children include education, health services, employment, recreation and others.

2. Children in armed conflict (art. 38) including physical and psychological recovery and social reintegration (art. 39)

111. Now that the war is over and militias do not exist (at least openly), youngsters are not forced into carrying arms. Military service is for men over 18.

112. The psychological scars inflicted by war on the young are much harder to detect since they are not apparent to the eye. Studies conducted on thousands of children in Lebanon all reveal the detrimental effect of war on children in Lebanon.

113. There are attempts in the country, initiated by NGOs and supported by the Government and international organizations, to alleviate the negative effects of the war. The programmes are varied and comprise different age groups. They include structural classroom instruction, drama, puppetry, summer camps, day camps, publications, conferences, seminars, exchange programmes with other countries, extra-curricular activities in schools, and others. The programmes, although varied, have the ultimate aims of healing the psyches of the young and recapturing the magic of childhood of which they were robbed at an early age. Children whose early years were turbulent and whose development was disrupted by acts of violence and hate need very special attention. The results so far are encouraging, but the years ahead can only tell if the aims will be fulfilled.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

114. Article 29 of legislative Decree No. 119/1983 for the protection of juvenile delinquents states that court hearing charges brought against any juvenile shall be in a special court known as the "Juvenile Court". A special judge is appointed to this court. The court is assisted by the "Association for the Protection of Young People" which is officially recognized as a general interest association (art. 51 of the Law for the Protection of Young People).

115. The trial proceedings of the Juvenile Court are conducted in camera. Any investigations involving the young person, whether at the police station or by the judge, must take place in the presence of the Association delegate, a lawyer, and the child's parents. If the parents or the Association cannot afford to appoint a lawyer, the Juvenile Court itself will designate one (art. 45 of the Law for the Protection of Young People and art. 244 of the Penal Code).

116. It is not permitted to disseminate pictures or publish the trial processes in print or via audio-visual media.

117. The court can excuse the child from attending the trial if it deems this practice in the child's best interest.

118. The Association delegate who attends the trial must offer the court the necessary advice concerning the person who will provide custodial care for the child.

119. The court may order measures to protect the child by placing him/her in the care of its parents, legal guardian, a member of the family, a relative, or a custodian.

120. No one under 18 years of age is considered criminally responsible.

121. Criminal charges may not be brought against anyone under seven years of age (Decree No. 119).

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b) - (d))

122. Decree No. 119, issued on 16 August 1983 stipulates that any child over seven committing a breach of the law or found begging or taking the street or any public place as his/her abode may be subjected to the following measures by the Juvenile Court:

(a) Custody or trusteeship;

(b) Supervision by the court;

(c) Detention in a reformatory (established in 1964 by Decree No. 16734);

(d) Disciplinary acts;

(e) Reduced criminal sentence (for children over 12).

123. The Association for the Protection of Young People delegate supervises the young person's behaviour at the reformatory, social institution or other, and reports regularly to the court on the child's progress. The delegate is also requested to monitor the child's education and social development.

124. Strict measures are taken against the custodians or guardians whose neglect of the youngster might cause the latter to commit a crime. Custodians, who will be given the responsibility of caring for a delinquent, are carefully selected.

125. The Ministry of Justice allows the Juvenile Court to give the young person all medical care needed. Lebanese law prohibits the detention of children 7-12 who may commit unlawful acts, unless they are vagrants.

126. It is not permitted by law to lock up children between 12-18 with adults.

127. The Ministry of Justice is requesting a modification of the law which would allow the transfer of juvenile delinquents from the reformatory to an ordinary prison at the age of 21 rather than at age 18, as the current law stipulates.

128. Article 16 of Decree No. 119 stipulates that upon receiving reports of good behaviour supported by actual observation of a specific case, the Juvenile Court has the right to release the child from detention or custody, temporarily or for good.

129. The Association for the Protection of Young People suffered badly during the war. Its buildings were occupied by militiamen and the funds allocated by the Government were minimal and inadequate. Now that the war is over, efforts are under way to reactivate it and restore its original functions.

130. The reformatory had its share of problems during the armed conflict since it was occupied by militiamen. Children, if detained, were locked up with adults.

131. The Ministry of Social Affairs, in cooperation with the Lebanese School of Social Work at the St. Joseph University, has concluded a plan of action for the prevention of delinquency as well as the rehabilitation of delinquents. Its objectives are:

(a) Reducing delinquent acts by providing the following preventive measures:

(i) Supervising closely children's development and protecting their rights;

(ii) Assisting families to provide the proper environment for optimum development;

(iii) Improving the children's environment, on the social, educational, legislative, economic and health levels;

(b) Caring for, guiding and rehabilitating those youngsters who are likely to become delinquents;

(c) Providing the appropriate measures for their protection;

(d) Implementing the rights of the child contained in the United Nations Convention.

132. The issue will be tackled on three levels:

(a) Implementation of general preventive measures;

(b) Short-term rehabilitation;

(c) Long-term rehabilitation.

133. The plan includes designated actions to fulfil the objectives specified above.

134. It is evident from the above account that children are not deprived of their liberty except in accordance with the law. Special courts are provided and special places have been designated for their detention. Furthermore, plans are under way for the prevention of delinquency and the protection of children in accordance with the international rights declared.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

135. The provisions of the law are clear concerning the imposition of such penalties. Articles 3, 4, 5 of Decree No. 119 stipulate that:

(a) No criminal charges can be taken against a child under 15;

(b) No juvenile shall be sentenced to capital punishment or hard labour;

(c) If a young person over 15 and younger than 18 commits a criminal act punishable by death or life sentence with hard labour, he shall be detained from 5-15 years;

(d) If the criminal act is punishable by temporary hard labour, he shall be detained from 3-7 years;

(e) For other crimes he shall be detained from 1-3 years.

136. From the above, it is evident that no criminal charges can be taken against a child under 12, nor can a juvenile or adolescent be sentenced to death or hard labour. In the latter case, the penalties are reduced and these are in line with article 37 of the Convention.

4. Physical and psychological recovery and social reintegration (art. 39)

137. The plan designed by the Ministry of Social Affairs, which was stated above, places a lot of weight on rehabilitation, both physical and social, to assist youngsters in the process of social reintegration. The case of Lebanon is special since all the children, in institutions or out, need psychological recovery and rehabilitation. This matter was discussed earlier.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 39)

138. The Lebanese laws strive to protect children from exploitation. Articles 22 and 23 of the Labour Code issued in 1946 stipulate that:

(a) No child under 8 is allowed to engage in employment. Seven NGOs have requested the raising of the employment age to 10. It is now being studied in the parliament and will hopefully be implemented soon;

(b) No child between 8 and 13 is permitted to work in any kind of mechanical industry;

(c) No child under 16 is permitted to engage in night work from 7 p.m. to 6 a.m.;

(d) No child under 16 is allowed to work more than 7 hours a day. A 1-hour break at least is obligatory if daily work goes beyond 4 hours;

(e) No child under 16 is allowed to work in heavy industries unless he has obtained a medical certificate confirming that he is physically able to perform such activities without endangering his health.

139. There are no statistics to show that these laws are implemented. The hard economic situation in the country may force some children to work for sheer survival.

140. In two years' time the results of the study that the Government is to execute with the ILO should provide the necessary data.

2. Drug abuse (art. 33)

141. Lebanese drug laws sentence to imprisonment with hard labour from 3 to 15 years, any person who deals with drugs in any manner or form. The only exception to the law is Decree No. 119/1983 which decreases the penalty to a period of imprisonment from 6 to 18 months for youngsters under 18 years of age.

142. The Ministry of Social Affairs project for prevention and rehabilitation should provide the necessary data concerning the size of the problem as well as rehabilitate those afflicted to become more productive members of society.

3. Sexual exploitation and sexual abuse (art. 34)

143. Article 505 states that anyone who sexually abuses a child under 15 is punished by a term of hard labour, which may range from 5-15 years.

144. Article 506 stipulates that if a child over 15 and under 18 is sexually abused by any one of her legally designated or other ascendants, or anyone entrusted with her upbringing or supervision or anyone of the hired help they may have, the offender shall be punished by a term of hard labour.

145. The law also states that anyone who abuses a male or a female sexually or induces him or her to engage in an indecent act shall be punished by a term of hard labour.

146. Abduction for purposes of exploitation are also punished by imprisonment.

147. Articles 502, 503, 504 made provisions for a heavier penalty for the offences of sexual assault that may result in death or illness of the victim or if the act had been committed by two offenders on the same victim.

148. A penalty of imprisonment from 3 to 15 years shall be imposed on anyone who uses threat, intimidation or deception to force a child to prostitution.

149. A close look at the above-mentioned provisions reveals clearly that the Penal Code protects children, but what is practised might differ considerably from the written law. There is hardly a day that passes without the news of abuse and exploitation in the media.

4. Other forms of exploitation (art. 36)

150. The war has left many social ills that are overwhelming. The housing situation, the electricity cuts, the shortage of water supply, the lack of schools, the high inflation rate, the displacement of families, the high rate of pollution, the lack of town planning that does not leave any breathing or playing space for children, the archaic curricula that overburden children, and many other social ills could be considered forms of exploitation. The Government, however, is trying to alleviate some of these problems, but there are many children who are still suffering.

5. Sale, trafficking and abduction (art. 35)

151. Article 495 of the Penal Code states that if a child is abducted, even with his/her own consent, the penalty shall be from 6 months to 3 years.

152. If abduction takes place through deception or under threat, and the victim's age is less than 12, the penalty is a term of hard labour.

153. A life sentence is the penalty imposed on that person who abducts another and keeps him/her for a period of one month or inflicts on the victim forms of physical or psychological torture.

154. In Lebanon now there are a number of aliens who are imported for a fee to serve as hired help in homes and other menial jobs. Some of these are maltreated. Others are brought in as bar maids and show girls who are exploited by their impresarios.

D. Children belonging to a minority or to an indigenous group (art. 30)

155. Lebanon is a country of minorities. It has a mosaic of ethnic and religious groups where everyone is part of the whole. They all enjoy complete freedom to practise their religious, educational and cultural rights as they please.

VIII. CONCLUSION

156. For lack of studies in Lebanon and for shortage of time, it has not been possible to show, statistically, the number of children who are exploited, abused, dealing with drugs, working, attending school, out of school,

detained, and others. These problems do exist, especially after the long years of strife, but studies are under way and in a couple of years we hope to have more substantial data.

157. It is rewarding, however, to know that the ministries concerned, Social Affairs, Health, Justice, Labour and Education, along with NGOs and international organizations, are sensitive to the needs. In cooperation and collaboration with each other, they are trying to reconstruct and rebuild a country that has been completely devastated by war. Starting with children is ensuring a strong foundation and a brighter future for them, for Lebanon, and for the world family.

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